MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 2, 2016/2017

UPR4622 – PROFESSIONAL PRACTICE II

(All sections / Groups)

24 FEBRUARY 2017
Reading Time : 3.00 p.m. – 3.15 p.m.
(15 Minutes)
Answering Time: 3.15 p.m. – 6.15 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENTS

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 3 pages with 5 Questions only.

3. Attempt **FOUR** out of FIVE questions.

4. Students are allowed to bring into Examination Hall CLEAN and ORIGINAL copy of:
   (i) Contracts Act 1950, (ii) Civil Law Act 1956, (iii) Road Transport Act 1987, (iv) Bankruptcy Act 1967 and rules, (v) Courts of Judicature Act 1964, vi) Companies Act 1965, Companies (Winding-Up) Rules 1972, (vii) Probate and Administration Act 1959 & Regulations, (viii) Small Estates (Distribution) Act 1955 & Regulations, (ix) Rules of Court 2012 (x)Power of Attorney Act 1949 and (xi) Wills Act 1959.

   Students are not allowed to lend or borrow statute(s) during the Examination.

5. Please write all your answers in the Answer Booklet provided.

QUESTION 1

Tenzen is a single father to his 25 year old daughter, Martila. He has another 35 year old son, Maddox from his first marriage. Both of them stayed with him in Taman Petaling, Kuala Lumpur. He was recently diagnosed with a terminally ill disease and passed away 3 months later. He left behind a mansion which he bought with his second wife, Carlina and left all his cash in the banks to Martila under a will he drafted during his medical treatment at Hospital Pantai. He did not sign his will but merely thumb-printed it before his solicitor Encik Syed Zain and his staff, Cik Markisa, as he was in pain while having his treatment. Carlina was named the executrix and she had applied to Court for a grant of probate of the will.

Maddox is extremely upset over his father's decision to leave the mansion to his stepsister and wish as to challenge the validity of the will on the ground that his father is unwell at that time and he thumb-printed the will instead of signing usually the practice.

Advise Maddox on the validity of will.

(Total : 25 marks)

QUESTION 2

Pauline was called upon by her old pal, Tammy to help with the administration of estate of her late grandfather who left behind a piece of land in Hulu Selangor worth RM400,000/- and a sum of RM100,000/- deposited in Hongkong and Shanghai Banking Corporation. Tammy is concerned over the estate being unattended as her grandfather has died for 10 years and no one in the family has initiated any action to administer the estate.

Advise Tammy.

(Total : 25 marks)

Continued...

QUESTION 3

Tricia Lim and her partner wish to expand their cafe business and approaches Bank Peacock for financial assistance. The loan application has been approved and granted where they are expected to pay a sum of RM20,000/- per month until settlement of the loan with interest thereon. In addition, the loan will be guaranteed by Tricia's parent, Lim Ah Kong. The cafe business was slow due to the weak market sentiment and Tricia has failed to service the loan repayments for the past 10 months. The bank initiated a civil action against Tricia and her parent to recover the loan outstanding and judgment in default has been entered due to non-appearance by parties. At present, the bank has resorted to bankruptcy proceedings. The Bankruptcy Notice was served on her mother when she was not in the house. Tricia's fiancé, John Kok assisted her to propose a settlement plan with the bank and it was subsequently accepted. Despite that several payments were made to the bank, the bank is currently pursuing a Creditor petition against her for the balance sum of RM25,000/- owed which was left out during the discussion on settlement.

Advise Tricia.

(Total : 25 marks)

QUESTION 4

At about 1.45 p.m on 23 March, 2015, Zelan was driving his Mazda CX 5, bearing registration no. MBB 2987 in a northerly direction along Jalan Ayer Keroh, Melaka when a Ford Ranger bearing registration no. BAA 9978 and being driven by Michael Yee, in the course of employment, emerged from Jalan Nusantara intending to turn left into Jalan Ayer Keroh and collided with Zelan's car. Michael Yee was employed by Parker, who is also the owner of the Ford Ranger. The latter car was badly damaged especially the right front side of the car and Zelan was hospitalised for a week due to his neck injury.

Advise Zelan on liability and damages that he may claimed against Michael Yee and Parker.

(Total : 25 marks)

Continued...

QUESTION 5

For the past 19 years, Sheela has been residing in Vancouver after her marriage to Timorthy Doraisamy and has been hired to teach maths at University of West Canada. She was recently approached by her niece, Koirala Kumar to sell her apartment which has been left vacant for 5 years to one distant relative, Revatha Sam. Sheela has no qualm in selling the property as she intends to give up her citizenship in 5 years from now. She wishes to call upon her best friend, Teresa Gopalnathan who is a solicitor attached with a local legal firm to prepare a Power of Attorney in favour of her niece to attend to the sale and to give effect the transfer upon full payment of the purchase price as she was unable to be back to Malaysia due to her hectic work schedule.

Draft a Power of Attorney for the sale of the property

(Total: 25 marks)

End of page.